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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ALEXANDER NIKOLAYEV,

Plaintiff,

v.

Department of Homeland Security,  
 MICHAEL CHERTOFF, Secretary; United States  
 Citizenship and Immigration Services,  
 EMILIO T. GONZALEZ, Director; United States  
 Citizenship and Immigration Services,  
 ROSEMARY MELVILLE, District Director;  
 U.S. Attorney General, ALBERTO GONZALES;  
 Federal Bureau of Investigation, ROBERT S.  
 MUELLER, III, Director,

Defendants.

No. C 07-4362 WHA

**STIPULATION TO DISMISS; AND  
 [PROPOSED] ORDER**

Plaintiff, by and through his attorney of record, and Defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to dismissal of the above-entitled action without prejudice in light of the fact that the United States Citizenship and Immigration Services is now prepared to adjudicate Plaintiff's application for naturalization and agrees to do so within 30 days of the dismissal of this action.

Each of the parties shall bear their own costs and fees.

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Stipulation to Dismiss  
 C07-4362 WHA

1 Dated: October 22, 2007

Respectfully submitted,

2 SCOTT N. SCHOOLS  
3 United States Attorney

4 /s/  
5 MELANIE L. PROCTOR  
6 Assistant United States Attorney  
7 Attorneys for Defendants

8 Dated: October 19, 2007

9 /s/  
10 MONICA KANE  
11 Attorney for Plaintiff

12 **ORDER**

13 Pursuant to stipulation, IT IS SO ORDERED.

14 Dated:

15 WILLIAM H. ALSUP  
16 United States District Judge